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Attorneys for Defendant VYSIS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE, INCORPORATED,

Plaintiff,

v.

VYSIS, INC.,

Defendant.

CASE NO. 99CV 2668H (AJB)

**NOTICE OF MOTION AND MOTION
BY DEFENDANT VYSIS, INC. FOR
ENTRY OF FINAL JUDGMENT
UNDER RULE 54(b)**

Date: July 30, 2001
Time: 10:30 am
Dept.: Courtroom 1

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

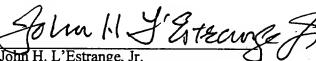
PLEASE TAKE NOTICE that on July 30, 2001, or as soon thereafter as this matter may be heard before the Honorable Marilyn Huff in Courtroom 1 of the above entitled court located at the United States Courthouse, 940 Front Street, San Diego, California, 92101, defendant Vysis, Inc. ("Vysis") will and hereby does move the Court to enter final judgment against it on Counts I and III

1 of plaintiff Gen-Probe, Incorporated's Second Amended Complaint pursuant to Rule 54(b) of the
2 Federal Rules of Civil Procedure.

3 This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum
4 of Points and Authorities, the Declaration of Thomas W. Banks, and on such other and further oral
5 and documentary evidence as the Court may consider at the time of hearing.

6
7 Dated: June 29, 2001

WRIGHT & L'ESTRANGE

8
9 By: 

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23 UNITED STATES DISTRICT COURT
24 SOUTHERN DISTRICT OF CALIFORNIA

25 GEN-PROBE, INCORPORATED,

26 Plaintiff,

27 v.

28 VYSIS, INC.,

29 Defendant.

Case No.: 99CV 2668H (AJB)

CERTIFICATE OF PERSONAL
SERVICE

30 I, the undersigned, declare: I am over the age of eighteen years and not a party to the cause;
31 I am employed in, or am a resident of, the County of San Diego, California, and my business address
32 is: 4665 Park Blvd., San Diego, California 92116.

33 On June 29, 2001, I served the following document(s):

34 ///

35 ///

1. NOTICE OF MOTION AND MOTION BY DEFENDANT VYSIS, INC. FOR ENTRY
OF FINAL JUDGEMENT UNDER RULE 54(b)
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF VYSIS'
MOTION FOR ENTRY OF JUDGMENT UNDER RULE 54(b)
3. DECLARATION OF THOMAS W. BANKS IN SUPPORT OF VYSIS' MOTION FOR
ENTRY OF FINAL JUDGMENT UNDER RULE 54(b)

by personally serving copies of said documents upon the following individuals at the following
addresses or by leaving copies at the office listed below, in an envelope or package clearly labeled
to identify the person being served, with a receptionist or, with a person having charge thereof:

Patrick Maloney
Stephen P. Swinton
COOLEY GODWARD, LLP
4365 Executive Drive, #1100
San Diego, CA 92121-2128

R. William Bowen, Jr.
GEN-PROBE INCORPORATED
10210 Genetic Center Drive
San Diego, CA 92121-4362

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

Executed on June 29, 2001 in San Diego, California.

DIVERSIFIED LEGAL SERVICES, INC.

By  _____